

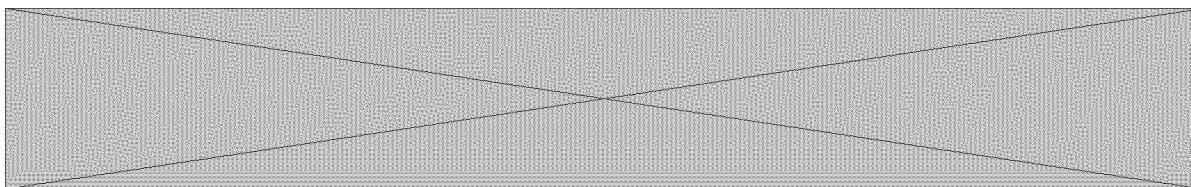
To: Carpenter, Angela[Carpenter.Angela@epa.gov]; Magriples, Nick[Magriples.Nick@epa.gov]
From: Rotola, Joe
Sent: Mon 11/14/2016 7:39:15 PM
Subject: FW: NYS DEC Secures Initial Legal Agreement to Hold Taconic Plastics Responsible for PFOA Contamination in Petersburg Area

From: New York State Department of Environmental Conservation [mailto:nysdec@public.govdelivery.com]

Sent: Monday, November 14, 2016 2:37 PM

To: Rotola, Joe <Rotola.Joe@epa.gov>

Subject: NYS DEC Secures Initial Legal Agreement to Hold Taconic Plastics Responsible for PFOA Contamination in Petersburg Area



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NYS DEC Secures Initial Legal Agreement to Hold Taconic Plastics Responsible for PFOA Contamination in Petersburg Area

Agreement Requires Company to Fund, Install, and Maintain Town Water System and Certain Private Well Filtration Systems

State Will Install Additional Private Well Filtration Systems and Seek to Recover Costs from Taconic

Today's Announcement Builds on State's Ongoing Actions to Address Contamination and Hold Polluters Accountable

New York State Department of Environmental Conservation (DEC) Commissioner Basil Seggos today announced that the State has executed a [Consent Order](#) that holds Tonoga Inc., (otherwise known as "Taconic") legally responsible for addressing the perfluorooctanoic acid (PFOA) contamination in the Petersburg area. Under the agreement, Taconic will install and maintain a granulated activated carbon (GAC) treatment system for the municipal water supply and point of entry treatment (POET) systems on a portion of the private wells impacted by PFOA.

As part of this Consent Order, Taconic has only agreed to install POET systems on private wells with PFOA contamination above the EPA advisory level, in addition to select contaminated wells in close proximity to wells that exceed this level. In the absence of Taconic action, the State will continue to offer POET system installation to all interested homeowners and will seek to recover costs from Taconic in the future.

This Consent Order requires Taconic to undertake the following actions:

- Investigate the source and determine the full nature and extent of contamination emanating from the Taconic plant site in the Town of Petersburg;
- Fund the installation and maintenance of a full capacity GAC treatment system for the Town's municipal water supply;
- Install and maintain approximately 90 individual POET systems on private wells impacted by PFOA;
- Continue to pay for bottled water for Town residents until successful installation of the full capacity filtration system on the Town's municipal water system and/or private well POET systems;
- Reimburse the State for costs incurred in its response and investigation; and
- Negotiate with the Town and Rensselaer County to reimburse their incurred and future response costs.

The Consent Order requires Taconic to develop a Remedial Investigation and Feasibility Study under DEC oversight. Taconic's Remedial Investigation Work Plan is due to the State within 30 days of the execution of the Order. Following the Remedial Investigation and the evaluation of remediation options set forth in the Feasibility Study, DEC will issue a Record of Decision that will establish a comprehensive remedy to clean-up the Petersburg area. The public will have an opportunity to comment on the selected remedy before it is finalized. Under State Superfund law, and as set forth in the Consent Order, Taconic then has the option to either undertake the remediation or defer to the State. If Taconic opts not to undertake the necessary remediation to protect public health, DEC will conduct the remediation and pursue legal action for cost recovery against Taconic.

DEC calls on Taconic to investigate the feasibility of an alternative water supply, which may include a new well field, a surface water supply source, or an interconnection with an existing municipal water supply system, as part of its Remedial Investigation Work Plan. If Taconic fails to consider sufficient remedial options, the State will conduct the investigation and evaluate these options before issuing the Record of Decision.

"Whenever contamination is discovered, the State works swiftly to hold those responsible accountable for cleaning up their mess and ensure all communities across New York have access to clean, drinkable water," said DEC Commissioner Basil Seggos. "This Consent Order is step one in holding Taconic responsible. We will make sure that the company undertakes a comprehensive investigation into the extent of the contamination and develops an aggressive plan to remediate the damage they have caused as expeditiously as possible. The State has made clear what its expectations are-and will be there today, tomorrow, and until the Petersburg community is cleaned up."

"The execution of this Consent Order to hold Taconic responsible for the contamination in Petersburg is a critical step in ensuring that residents have continued access to clean drinking water," said Commissioner of Health Dr. Howard Zucker. "The cleanup of contaminated water in any New York community requires decisive and deliberate action. Like all New Yorkers, the residents of Petersburg deserve uncontaminated potable water, which remains a cornerstone of good health."

Funding and Installation of the Town Water Filtration

System

The Consent Order memorializes Taconic's commitment to install and maintain a filtration system on the Town's municipal water supply to filter PFOA out of the drinking water, which is expected to be operational in early 2017. Taconic will be required to pay for all costs associated with the design, installation, and operation of the full capacity water treatment system, including all additional incidental operation and maintenance costs of the municipal water system caused by the installation of the treatment system. Taconic will continue to provide bottled water to residents of the Town who use the system until the treatment system is in place, and to Town residents whose private wells are contaminated until their POET systems are cleared for all uses.

Point of Entry Treatment POET System

The Order requires Taconic to install and maintain approximately 90 POET systems for homes with private wells that have been contaminated by PFOA. The company has already installed 70 to date. The company will sample and maintain those wells in accordance with an approved protocol attached to the Order. Each POET must show that it is capable of treating water to a level of non-detection for PFOA before it will be cleared for home use. In addition, Taconic may be required to install additional POET systems on wells where future sampling detects PFOA. If the company refuses, the State would install a POET and pursue cost recovery from Taconic.

Reimburse State for Past Costs

The Consent Order also directs Taconic to pay for the State's ongoing response and investigation costs. These include the sampling of private wells in the Town, sampling of the Little Hoosic River and other water bodies, sampling of soils, and the costs associated with developing, overseeing, administering and enforcing the Order.

Rensselaer County Executive Kathleen M. Jimino said, "Safe potable drinking water can never be taken for granted, and while much has been accomplished in the Town of Petersburg to address the PFOA contamination, a great deal of work lies ahead. I want to personally thank all of the officials at all levels of government, as well as the residents of the Town who have dedicated countless hours towards ensuring safe drinking water in their community. I am glad that the State and Taconic have reached an agreement as this is a crucial step towards addressing this pollution."

Town Supervisor Alan Webster said, "The Town is pleased that progress is being made to address the contamination in Petersburg. We look forward to continuing to work with the state and Taconic to ensure that the contamination is effectively addressed."

State Actions to Date

To date, the State, with assistance from the County, has undertaken the following actions in the Town of Petersburg:

- Testing private wells throughout the Petersburg area;
- Sampling soil and surface water and monitoring air in the area;
- Listing two landfills in Petersburg (and Berlin) and Hoosick Falls as potential State Superfund sites, which permits the State to aggressively investigate potential sources of PFOA from the landfills;

- Launching a fish study to assess impacts to fish from the presence of PFOA in the Hoosic and Little Hoosic Rivers; and
- Offering blood testing for area residents concerned about exposure to PFOA in the drinking water supply.

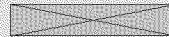
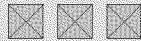
Additionally, in January 2016, DEC became the first state in the nation to issue regulations classifying PFOA as a hazardous substance. In April 2016, DEC added PFOS and several associated chemicals as hazardous substances. These unprecedented actions enabled the State to use its legal authority and the resources of the State Superfund program to advance cleanup of this and other impacted sites.

The State has also urged EPA to take strong action at the federal level to regulate PFOA as a hazardous substance and set binding drinking water standards for PFOA and PFOS.

<http://www.dec.ny.gov/press/press.html>

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Andrew M. Cuomo, Governor * Basil Seggos, Commissioner

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